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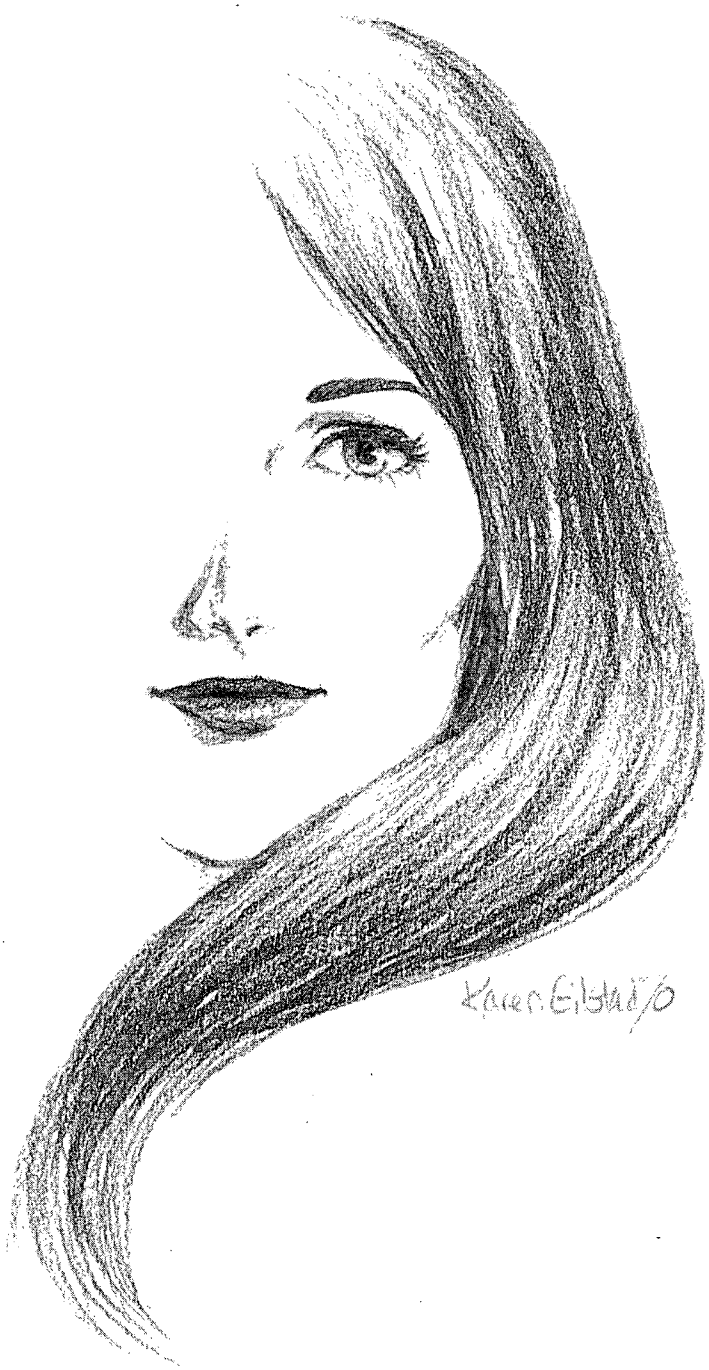

"Ask not..."

contents

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the wave of the future; the future of the waves

(laissez faire and the struggle for the oceans)

Robert Poole jr

Left on the planet Earth are only two unsettled frontiers: the oceans and the subterrain. In the last decade, man has developed technology capable of beginning commercial exploitation of the former on a vast scale. Recent years have seen the first moves in a struggle for control of the seas that may be of great future strategic importance to libertarians. Pirate radio stations beam their music and commentary at an idea-starved European populace (and the British state brings them down): oil drilling rigs off American coasts multiply (but only with the permission of the state); giant tankers travel freely nearly anywhere in the world (yet sometimes they split apart, releasing their noxious contents); the fishing industry soars (but South American government seize foreign vessels for violating "territorial" waters); developers proffer plans by the dozen for floating cities, airports, and resorts (but expect or demand that the government finance the projects). Clearly a struggle is shaping up. But what will be its nature, who its participants, and of what importance to libertarians? This month, Los Angeles based contributing editor Robert Poole provides some preliminary answers to these questions. - Ed.

On a dreary day in November, 1967, a small bespectacled man mounted the rostrum of the General Assembly Political Committee at the United Nations Building. For three long hours he addressed the delegates. In a tone of moral outrage, he warned his listeners that the day was fast approaching when some men would develop the technological competence to extract great resources from the seas:

"Current international law encourages the appropriation of [the ocean floor] by those who have the technical competence to exploit it . . ."
"The process has already started and will lead to a competitive scramble for sovereign rights over the land underlying the world's seas and oceans . . ."
"The consequences will be very grave . . . sharply increasing world tensions, caused also by the intolerable injustice that would reserve the resources for the exclusive benefit of less than a handful of nations . . ."[1]

After continuing in this vein for the bulk of his talk, the speaker proposed the appointment of a group to draft a U.N. resolution providing that "the net benefits of the exploitation of the seabed's resources would go primarily to the development of the poor countries."[2]

The speaker was Dr. Arvid Pardo, U.N. delegate from Malta, one of the world's smallest (122 sq. mi., 329,000 people) nations, self-governing since 1961, independent since 1964, a U.N. member since 1965.

How was Pardo's proposals received by those peopling the General Assembly Political Committee that day? by the press? by oceanographic industry? scientists? And what are the alternatives to those standardly proposed for ocean exploitation and development?

The Wealth of the Oceans

The oceans cover 71% of the earth's surface; the Pacific alone measures 64 million square miles, more than the total land area of all the continents combined. As the world's population inexorably increases, and the land becomes ever more crowded, its food-producing capabilities increasingly strained, and its mineral resources reduced towards depletion, it is reasonable that man will look toward the sea as a new frontier to use and conquer.

And well he might, for the sea, despite its bland appearance, is incomparably rich in oil, minerals, and sources of food. Offshore oil wells already produce one-fifth of the world's oil and gas; by 1980 they are expected to produce one-third of the total. Since 1946 U. S. companies have drilled over 10,000 wells off the coasts of the U. S. alone, and have invested over $13 billion in offshore exploration and development. Offshore drilling is proceeding in 27 other countries and surveys are underway in 50 others.[3]

The oceans act as a huge storage tank for minerals washed from the land by rivers and streams. Each cubic mile of the 350 million cubic miles of seawater contains 165 million tons of solid material - including all major industrial metals. At present, only sodium chloride (table salt), magnesium ($70 million worth annually) and bromine (70% of the world's supply) are being produced commercially in large amounts.

Sulfur occurs in "salt domes" located on the sea floor, and can be mined by the simple technique of piping a stream of superheated water into the dome. The heated water melts the sulfur, which is then forced up by compressed air. Current U.S. offshore production is worth $37 million annually, but the serious worldwide sulfur shortage is likely to lead to a large-scale expansion of offshore production.

On the sea floor, at depths of 1000 feet or more, lie numerous ellipsoids of metal, from one to three inches long. Because they generally consist of from 20 to 40% manganese, they are known as manganese nodules. Other components of the nodules include iron, cobalt, nickel and copper. Since manganese, used primarily in steel production, is not found in the U. S., there is a great deal of interest in mining the nodules, particularly those found relatively close to the coast.

Besides oil and minerals, the oceans are a valuable source of food. At present approximately 55 million metric tons of fish - about $8 billion worth — are caught each year.[4] Over half of this total is turned into meal and used as animal feed. All countries possessing a shoreline participate in ocean fishing, but about 75% of the total is harvested by 14 countries, each of which produces

over a million tons per year. The growth rate of fishing yields continues to be greater than the growth rate of human population, one of the few foods for which this is the case. In view of the huge area of the sea, compared with diminishing amounts of arable land, fishing is likely to become a growth industry in the decades ahead.

Current Ocean Technology

While the U. S. government has been spending billions of the taxpayer's dollars on a crash program to explore outer space, private businessmen, both here and abroad, have quietly been spending millions of their own developing new technology for exploiting the oceans. Within the last decade, a number of substantial breakthroughs have been made - in transport, exploration, and production methods - which themselves are only a foretaste of what is to come.

In ocean transport, the sixties have been the decade of the supership - container ships and tankers with as much as ten times the capacity of the ships of the fifties. The economics of these vessels are such that it is cheaper to haul Middle-East oil around the tip of Africa via supertanker than it is to send it by conventional tanker through the Suez Canal. Along with the supership has come the development of vastly more accurate navigation systems. Such devices as self-contained inertial navigators (as on jet airliners), hyperbolic radio navigation systems (such as LORAN and OMEGA), and orbiting satellite position-sensing have made it possible for a ship in mid-ocean to know its position to within 0.1 mile or less (an improvement of more than 10 times over earlier methods). Thus, it is increasingly possible to think in terms of well-defined regularly travelled sea "highways."

Progress in undersea exploration has been even more spectacular. Within the last ten years a new type of undersea vehicle has been created - the "manned submersible." This is a vehicle designed specifically for undersea exploration, self-propelled and self-sufficient, in some cases with underwater hatches and various "manipulators" (remote-controlled arms and/or tools) for working on the sea floor. A few of these vessels have been Navy research craft, but for the most part they have been designed, built and operated by industrial firms. Some of the better-known ones are North American's "Beaver" (2 men, 1000' capability), Westinghouse's "Diving Saucer" (2 men, 1000') and "Deep Star" series (3 men, varying depths to 20,000'), Lockheed's "Deep Quest" (4 men, 6000'), and Reynolds Metals' "Aluminaut" (6 men, 15,000').[5] These vehicles are being used for research into all aspects of undersea operations - vehicle design, human performance underwater, mining and mineral prospecting, biological data-gathering, etc. These projects and the Navy's Tektite and Sealab experiments will provide man with a vast new capability for living and working under the sea.

The third major area of underseas technological progress is in production methods, the single greatest advance being in deep water drilling ability. Although offshore drilling has rapidly expanded in the past decade, platforms have been in relatively shallow water, firmly founded on seabed. Recently, though, drilling companies have developed floating platforms, from which they can drill in deep water, despite buffeting from wind and water. One semi-submersible variety makes use of water ballasted tanks to sink the lower structure sufficiently beneath the turbulent surface to render it isolated from wind and wave motions. Another technique, typified by the Scripps Institute of Oceanography's "Glomar Challenger" ship, uses specially modified drilling ships. To keep this sort of ship motionless over a drilling site, it is equipped with fore-aft and port-starboard thrusters, sonar position-sensors, and a central computer which monitors the ship's position via the sensors and sends correction signals to the thrusters. To date, the Glomar Challenger has successfully drilled in waters up to 17,000 feet deep.[6] This means that the distinction between the continental shelves and the deep ocean is no longer meaningful, as far as oil drilling is concerned. Whereas the continental shelves comprise about 10% of the sea floor, fully 98% of the sea floor is less than 20,000 feet deep, and is therefore potentially available for oil drilling.

Various ore mining ventures are in an earlier stage of development; nonetheless, American companies have committed substantial amounts of money. One of the largest ventures to date, Deepsea Ventures (a subsidiary of Tenneco), has committed $200 million toward a six-year ocean mining research and development effort.[7] Already the firm has developed a prototype mining system capable of excavating the sea floor one mile down. Also in development is a rig of three-mile depth capacity. Again, of significance is the imminent accessibility of not just the continental shelves, but virtually the entire sea floor.

Significant developments are being made in food production, as well. In addition to the continued expansion of commercial fisheries, new products are being developed and marketed. One example is the production of sodium alginate from seaweed. Companies like Australia's Alginates operate large harvesting ships to gather kelp, which is processed in factories to produce sodium alginate (used in instant puddings, salad dressings, cake mixes, beer, and other processed foods).[8] Another example is the recent commercial development of fish protein concentrate (FPC) in the U. S. FPC is produced by grinding up "trash fish" such as hake and processing it to yield a highly nutritious powdered food supplement containing about 75% protein. Originally developed by the Bureau of Commercial Fisheries, FPC is now being produced commercially by companies such as Alpine Marine Protein Industries.[9] One of the company's first contracts was for 11 tons of FPC purchased by one of the organizations aiding Biafra. Given the extremely low cost of FPC (relative to other protein), and the huge need for protein in much of the world, the market for FPC appears to be vast.

The Legal Regime of the Seas

Throughout history international law has considered the seas beyond the jurisdiction of any state. The general rule has been "freedom of the seas", the right of anyone to use the ocean for navigation, trade, and fishing, limited only by the boundaries of each nation's small offshore area (until recently either a three-mile or twelve-mile buffer zone).

A new trend began, however, after WWII. In 1945 President Truman asserted that the U. S. possessed exclusive title to the resources of the continental shelf surrounding the U.S. Although Truman's proclamation excluded any claims to jurisdiction over the water overlying the shelf or any restriction on navigation, the example had been set, nevertheless. In short order, Ecuador, Peru, and Chile made new claims to offshore territory, out to distances of as much as 200 miles. In each case, Truman's declaration was cited as a precedent. In the case of Ecuador and Peru, the jurisdiction included both the water and navigation rights, in an effort to protect their fishing industries. Various American fishing interests have recently urged that the U. S. make a similar declara-

tion to keep European and Russian trawlers out of the New England offshore fishing areas.

This type of bickering led to the 1958 Geneva Conference on the Law of the Sea, attended by delegates of most maritime nations. The conference worked out an agreement on the continental shelf, which defines the shelf as "the seabed and subsoil of the submarine areas adjacent to the coast, but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superadjacent waters admit of the exploration of the natural resources of the said area."[10] The conferees agreed that the seabed so defined is under the exclusive jurisdiction of the adjacent nation's government.

At the time of the Convention, the above definition closely approximated the area commonly meant by the term "continental shelf," since exploitation of resources at depths below 200 meters (665 feet) was considered fairly unlikely. As previous paragraphs have pointed out, however, technology has made major advances in the last decade, to the point where the 1958 wording now implies that the continental shelves are virtually unlimited, extending as far into the deep ocean as a nation's technology will permit. As a result, there is increasing discontent with what now appears to be a very imprecise definition. Consequently, the past several years have seen an extensive round of conferences on the subject, such as 1969's Law of the Sea Institute Annual Summer Conference, the Marine Technological Society meeting in Miami, and the Italian International Regime of the Sea symposium.

In the meantime the U. S. government has not been standing still. The Department of Interior has been busy issuing oil and gas exploration leases outside of the three-mile limit, including some apparently beyond the 200-meter depth limit, thus giving de-facto recognition to the extension of the 1958 definition of the continental shelf. The most influential instigator of new government programs for the shelf and deep ocean is the National Council on Marine Resources and Engineering, appointed by and reporting to the President. The Council is currently studying a number of possible government programs, including the initiation of state-managed "coastal zone authorities" for policing the inner portion of the shelves, the establishment of "national laboratories" to do marine research, at universities, and the construction of undersea structures such as labs and powerplants on the shelves.[11] The federal government thus appears to be firmly committed to extending in fact the authority vis a vis the shelves it was allowed to assume by the 1958 Convention. So far, however, the government has taken no position on the question of redefining the limits of the shelves.

Various groups have urged the government to act. Most vocal has been the National Petroleum Council (NPC), proposing that the U. S. government declare sovereignty over not only the shelves but also the adjacent slopes and rises, out to where these slopes meet the "abyssal plains" of the deep ocean floor (i.e., to about 10,000' depth, in most cases). The NPC states that a narrower claim of jurisdiction "would amount to a giveaway of resources to which the nation is entitled."[12] Now it is true, of course, that a nation, being simply a collection of individuals with a common government, is not "entitled" to any natural resources - the only persons entitled are those who first use the resources. Nonetheless, NPC's comment raises the question of alternatives in ocean development, which brings us back to the Malta proposal.

The Altruist Proposals

In ascribing rights to a collective, the Malta proposal makes the same error as does the NPC's. The only difference is that the former asserts that "all nations" (by which it means the poorer nations) are entitled to the resources, rather than just a particular "nation." The Malta proposal would therefore have the U. N. (or a new international agency) assert sovereignty over the deep ocean floor and issue leases to governments or companies that have the ability to extract the resources. In his speech, Dr. Pardo, the Maltese delegate, estimated that the "take" from such leasing would be as high as $5 billion annually by 1975.[13] The questions of who would be allowed to extract what, and how much they would have to pay for the privilege, would be decided by a "widely representative but not too numerous body," with enforcement powers.

All this would be easy enough to dismiss as just another futile attempt of the smaller U. N. members to get something at the expense of the larger members . . . except for the widespread publicity and endorsement being given the proposal within the United States. Right from the beginning there has been a steady stream of articles and editorials favoring the idea, from what one might call the scientific/intellectual complex. The obvious question to ask is why such a response has been forthcoming. What could Dr. Pardo have possibly said that was compelling enough to provoke such near-unanimous support?

Throughout his speech Dr. Pardo very carefully linked commercial development of the sea floor with the arms race. It is true that the capability of living in and utilizing the seabed makes possible both peaceable commercial activities and warlike activities by governments. But the latter is not inextricably linked with the former - there is no reason why mining the ocean floor should lead to doomsday machines being constructed there. Yet Pardo again and again speaks of the two subjects as inseparable:

"Present and clearly foreseeable technology also permits effective exploitation [of the seabed] for military or economic purposes. Some countries may be tempted to achieve near-unbreakable world dominance through predominant control of the seabed . . ." "The process has already started and will lead to a competitive scramble for sovereign rights over the land underlying the world's seas and oceans, surpassing in magnitude and in its implications last-century's colonial scramble in Asia and Africa. The consequences will be very grave: at the very least, a dramatic escalation of the arms race and sharply increasing world tensions, caused also by the intolerable injustice that would reserve the resources for the exclusive benefit of less than a handful of nations.[1]"

His repeated references to the arms race and false analogies with colonialism (colonialism involves the occupation of a country and imposition of a government upon the inhabitants, by force. As there are no inhabitants on the sea floor, the issue cannot arise) could have only one purpose - to produce guilt in the listener. The speaker then provides a convenient way for the listener to expiate this guilt - by paying what amounts to reparations to the "underdeveloped nations" for the "privilege" of extracting minerals from the seabed. One might expect that this sort of psychological con-game had been played so many times before that no one would fall for it again. Not so.

Shortly after Dr. Pardo's speech, Science, the journal of the American Association for the Advancement of Science, carried

a lengthy article discussing Pardo's proposal and the general issues it raised. While not an outright endorsement of the proposal (the article presented "both sides") it accepted Dr. Pardo's premise that the basic question is how the resources are to be "divided up." The article also quoted an interesting statement by President Johnson, who anticipated Pardo's colonialism analogy by five months: "Under no circumstances . . . must we ever allow the prospects of [the sea's] rich harvest and mineral wealth to create a new form of colonial competition among the maritime nations. We must ensure that the deep seas and the ocean bottom are, and remain, the legacy of all human beings."[1]

Before leaving office, Johnson appointed a committee of leaders from industry, government, and the academic community (headed by former MIT president Julius Stratton), and charged them with developing long-term recommendations for government policy regarding ocean exploitation. The resulting Commission on Marine Science, Engineering and Resources published its findings early in 1969. On the jurisdictional issue, the Stratton Report recommended a watered-down version of the Malta proposal.[14] After redefining the continental shelf (to be limited by 50 nautical miles or 200 meters depth, whichever gives the greater area), the Report proposed that national control would be limited strictly to the shelf area. Next, it proposed the establishment of an international authority to "register" all claims beyond the continental shelf. Each claimant would pay the authority for the privilege of registering a claim, and would pay royalties on all of its output. The money would go into an international fund which would be used to aid the underdeveloped countries. Apart from terminology, this is essentially the Malta proposal. The Report urged that the U. S. "seize the opportunity for leadership which the present situation demands," by aggressively working for these proposals.

This theme was also picked up by several of the leading scientific and technological magazines. In the July/August 1969 issue of Technology Review economist David Brooks of the U. S. Bureau of Mines discussed the future of ocean mining and the attendant political problems. In bringing up the Malta proposal Brooks asked the question, "How will rights to exploit deep-sea mineral resources be distributed and who will have claims on the returns from their exploitation?"[15] (italics added) Furthermore, he says, the Malta proposal "changed the grounds of the discussion from that of revenue distribution alone to the far more substantive matter of whether the resources of the ocean are perhaps the common heritage of all mankind, to be used so that all nations directly or indirectly profit by them." Brooks answers this question in the affirmative by endorsing the Stratton Report proposals.

The September 1969 issue of Scientific American was devoted exclusively to articles on the ocean. The introductory article for this special issue concluded with a discussion of the ocean resources controversy. Oceanographer Roger Revelle stated that U. S. policy on this matter ought to be based on the principle that the resources of the deep ocean and the seabed "are the common heritage of mankind and shall be used and conserved in the common interest of all men. All countries shall participate in an equitable manner in the benefits gained from these resources."[16] One might ask "benefits gained by whose effort and knowledge?" and "equitable by what standard?" but Mr. Revelle evidently believes such questions are irrelevant. In another article in the same issue, oceanographer Warren Wooster endorsed the Malta proposal because it is responsive to "a strong feeling among the disadvantaged nations that the resources of the deep seabed should ultimately benefit those with the greatest needs."[17] (italics added).

The New York Times, as befits its position of leadership in the scientific/intellectual complex, has done its best to insure that its readers have the correct view on this subject. Correspondent Sam Pope Brewer, in a story headlined "Fear of Big-Power Monopoly Leads to Move in U. N. to Share Seabed Riches," discussed the "general agreement" at the U. N. that the seabed must be controlled. "The consensus seemed to be . . . that it was the task of the United Nations to find a means of equitable distribution to the peoples of the world," he reported on November 13, 1969. In a November 24 follow-up story he discussed the background of the seabed controversy, and in so doing made clear his bias. For example, "Delegates from small countries suspect the larger ones of dragging their feet on efforts for a really just settlement."[18] And, "The western powers, on the other hand, have to cope with the pressures of their own big industrial interests." (italics added).

Finally, on December 1, 1969, the Times presented this editorial (notable for its stunning originality): "There is growing danger that a race for mineral riches on or below the ocean floor may precipitate a new era of colonial competition . . . There is also a strong feeling among developing countries that the wealth of the sea floor should be shared and not left entirely to the more advanced nations that are best able to extract these untapped resources."[19]

On December 16, 1969 the General Assembly adopted (62 to 28) a resolution stating that pending establishment of an international regime for the seabed, states and individuals were "bound to refrain" from all exploitation of the seabed beyond territorial limits. In addition, "no claims to any part of that area or its resources shall be recognized."[20] The reaction from American industrialists? Of course: silence.

The Libertarian Alternative

The controversy, to this point, has revolved around two "opposing" views. The nationalists, on the one hand, favor an extension of the sovereignty of existing nation-states into the deep seabed, in order to protect and regulate the activities of the companies and/or agencies of those countries. The internationalists, by contrast, favor the expropriation of the deep seabed by an international agency, with much of the proceeds from commercial exploitation going to aid government programs in undeveloped countries.

This is a classic example of the fallacy of false alternatives. As evidenced in the preceding quotes, the issue is invariably presented in terms of "Who should control seabed exploitation and how should the resources be divided up?" rather than asking whether it should be controlled and whether anyone other than the entrepreneur has the right to "divide up" the resources. For in fact there is a third alternative - a libertarian alternative - based firmly on rights, rather than feelings.

Anyone - be it the U. S. government, the U. N., or a group of "underdeveloped nations" - who claims "sovereignty" over any part of the seabed and exacts tribute from the entrepreneurs who are successful in developing it, is purely and simply a thief. No one has the right to grant leases or concessions or drilling rights to that which

he does not own, no matter how powerful his armed forces or how needy his constituents. The resources of the seabed are unowned resources, at present nobody's property, and therefore the property of whoever first successfully extracts them.

How would this principle work in practice? Wouldn't there be chaos, piracy, and warfare? No. There is no reason why peaceable development could not come about without government sovereignty over the seabed. First of all, no nation now claims sovereignty over the surface of the oceans - yet all nations freely use the seas for trade and commerce. Would trade be more peaceable if the U. N. extracted tribute from all ships which wanted to use the oceans? The suggestion is absurd, because freedom is so obviously superior to force. "Freedom of the seas" has a long history, violated at times, but generally adhered to, because it is in the long-term interest of all.

The seabed does pose problems not present on the surface, such as the (ultimately) limited amount of area to which claims may be laid. But past human experience provides some guidance. The seabed is a frontier area of unclaimed "land," much as the American west once was. With little formal legal theory and the barest minimum of government available, the early pioneers developed reasonably just concepts for defining ownership of this new frontier land. Several of these are worth examining for applicability to the seabed case.

Mining Claims Nearly everyone is familiar with the archetypical western prospector, who roamed the unowned property of the frontier, searching for gold or silver. When he found a promising spot, he "staked out a claim" to a piece of land of a size he could work, and registered it with the authorities. If first to register a claim, he became the owner. He could not go out and make wild claims to huge amounts of territory - he established a claim by working the property in question; it became his through use. Objections might be raised to certain details of the way the process was handled in the early west; the important point is the principle involved — that of ownership arising out of original usage of a particular plot of land.

The same principle is equally applicable to the seabed. Modern digital information storage and retrieval systems, plus high-speed global communication systems, and precision navigation and position-fixing systems should make registering claims, preventing "first-user" conflicts, and pinpointing precise locations and boundary definitions eminently feasible. As for fears that "the few" will grab all the resources before "the many" have a chance to develop the technology, it is helpful to remember that the seabed comprises more than twice the land area of all the countries of the world. As long as no one can claim more than he can directly use (i.e., as long as governments cannot assert wild claims of "sovereignty"), it will be a long time before the seabed is all "used up."

Homesteading The principle involved in frontier homesteading was much the same as that in mining claims. A particular plot of land of a size suitable for farming became the property of the first settlers to live there and actually work the land. The fact that the U. S. government initially "owned" the land is really beside the point; the essential feature is the principle of ownership arising out of usage. The same principle would apply to any sort of habitation or farming of the seabed or continental shelves. The fact that, at first, probably only large companies could afford such ventures has no bearing on the principle involved.

Open Range Another frontier principle with direct applicability to the ocean is the concept of the open range. For many ranchers, building fences to restrain their herds would have been both expensive and self-defeating, since it would have severely limited the amount of grazing land over which the herds could roam. It was in the interest of all the ranchers to let the cattle herds roam freely over all the open range. In order to keep track of ownership, each rancher devised a unique brand, with which he marked all his cattle. The ranchers respected each others' brands and cooperated to prevent cattle rustling by thieves. The cattle could thus move as required to good grazing land, without loss of ownership identification.

Much discussion has taken place in recent years about conservation of commercially-valuable marine life. Whales, in particular, are feared to be nearing extinction and even certain food fish (such as tuna, cod, herring and perch) are considered "over-fished" in certain areas. The usual conservationist "answer" is to forcibly impose restrictions on the size of catches or the efficiency of fishing methods. Yet this is essentially a negative, preserve-the-status-quo approach (besides being a violation of rights). Had men taken the same approach with land animals (i.e., "conserving" wild cattle, pigs, and chickens for hunting), the world could support only a fraction of the population it supports today, through animal husbandry. Obviously, the same approach will eventually have to be applied to marine animals.

For large marine animals, such as whales, seals, sea turtles, and tuna, the open range concept can be applied, with the entire ocean substituted for open grazing land. Just as the ranchers found it wise to let their domesticated herds roam free, so might the aquaranchers of the future. Identification of the animals is not impossible: whales could actually be branded, although a better solution for all large marine animals might be to implant microminiature transmitters in the young, permitting the movement of individuals or schools to be monitored continuously. Arthur C. Clarke, in his novel The Deep Range[21] suggests that small manned submarines could be used for undersea herding, thus completing the open range analogy.

The aquarancher's return on his investment might be substantially improved if he raises large number of fish in captivity before turning them loose in supervised herds. The number of baby fish reaching maturity is only a minute fraction of the number hatched, due to predators and other hazards. By constructing large undersea net-pens, and using the same mass egg-fertilization and fish culturing techniques used in raising trout and other inland fish, the aquarancher could increase the annual catch by orders of magnitude. Smaller fish could be raised entirely in huge undersea net-pens, again with vastly improved yields.

These few examples are meant as illustrations of the possibilities inherent in a situation where freedom, rather than force, prevails. Realization requires no "sovereignty," hordes of bureaucrats, or volumes of regulations; it requires only that "freedom of the seas" be extended to the seabed, i.e., that all involved in undersea development recognize the rights of all participants on a first-come/first-served basis. Disputes which arose could be

referred to the Permanent Court of Arbitration or the International Court of Justice at the Hague, as maritime disputes have been for many years. Defense of various seabed installations could be provided by the navies of each installation's home country (if any), or by the participants themselves. Indeed, one of the more interesting prospects of a free seabed is that new cities – free ports – may be created, independent of and unhampered by any state. Such free cities, either underwater or floating (as Buckminster Fuller has suggested[22]) could provide a vivid demonstration of laissez-faire communities in action. The prospect of such cities coming into existence, outside the statists' grasp, must not be discounted as one of the motivations behind their current drive for control of the oceans.

To libertarians looking for an issue on which to take a stand, control of the seabed offers an unusually good opportunity. In most spheres of human action, the state is already firmly established, with its vast array of rules and regulations, layers of bureaucracy, and well-established penalties for transgressors. With the seabed, however, the state is very late in catching on to what technology is making possible. As the foregoing has pointed out, much of the technology needed for deep-seabed exploitation is already in existence. The rapid establishment of operational drilling, mining, and living installations on and under the sea would confront the statists with a fait accompli which would make any opposing action on their part much harder to pull off. Once a few Union Carbide or Tenneco or U. S. Steel mines were operational, the U. N. (or whatever) would be faced with the dilemma of trying to collect "lease" money after the fact, making the larcenous nature of their action all the more obvious.

But such developments will not come about by themselves; several specific actions are required. First, American companies involved in ocean industry must be convinced of the importance of taking a stand on the issues. At present they are the only ones who stand directly to lose if the U. N. expropriates the seabed (although all men would lose in the long run). They must be convinced of their right to the fruits of their labor, and be willing to stand up for it in the mass media. At the same time it is vital that the U. S. government take an official position opposing any U. N. expropriation (under whatever label). Since the leaders of many foreign governments can think only in statist terms, they already assume that if the U. S. opposes U. N. control, it must favor U. S. control. Thus, the U. S. could score a minor propaganda coup by renouncing all territorial ambitions to the seabed, and at the same time refusing to recognize any governmental expropriation, by the U. N. or otherwise.

It is interesting to note that both the U. S. and Russia opposed the recent General Assembly resolution calling for a moratorium on seabed exploitation, as did many of the governments of Europe. Thus, those nations whose engineers and industrialists already have the means to exploit the seabed could easily proceed on their own to set up a data bank for registering individual claims to seabed property (on the basis of use), and agree to arbitration of disputes by the International Court. Most significant international agreements (Common Market, NATO, etc.) have been outside the U. N. anyway.

Before the U. S. government can espouse such a policy it will have to be assured of popular support. Thus far, the scientific/intellectual establishment has received the lion's share of the publicity, supporting U. N. expropriation, in one form or another, while the petroleum industry has made a feeble case for further U. S. expropriation. It is time for libertarians to make themselves heard in the mass media, in their professional societies and journals, and to their elected representatives. The stakes are too high to sit idle: the earth's last remaining frontier is about to be expropriated when you, just possibly, could help do something to prevent it.

The statists have had their chance: they have spread their coercive bureaucracies over every square mile of land on earth. The oceans represent man's second chance – perhaps his last – to solve the environmental problems that, unchecked, threaten his extinction. It is time – past time – that men of integrity stood up and said "enough!" Let the statists' anti-life view of man, if it must exist at all, stop at water's edge.

Laissez-faire: hands off the sea.■

Acknowledgement

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A Priori: A Critical Survey

Tibor R Machan

My aim in this paper is to discuss some problems and issues connected with the notion of the ***"a priori."*** I should state at the beginning that my own position is what might be termed empirico-rationalistic. By this I mean that I hold that there are certain propositions about the world that are inescapably true, that is, they are meaningful, not void of content, and assert something about the world as a whole. In other words, my position is that of an "ontologist", especially as regards the question of the nature of logic.

The relationship of my topic to metaphysics is that it is my contention that "The laws of logic are descriptions of (certain) universal features of reality; hence, only if reality itself changed in these respects, would a change in logic be warranted."[1] Whether or not reality could or could not undergo a change which would have such a result is an issue which may also be touched upon. Nevertheless, what I will consider first is the real or alleged relationship of logic to reality.

There are, I believe, three outstanding versions of the meaning and implications of the ***"a priori."*** The first of these may be termed Aristotelian. It asserts that "the same attribute cannot at the same time belong and not belong to the same subject in the same respect."[2] I do not think that I would be very successful in restating this position more clearly. I do want to add that I (and, I think, Aristotle) would regard this principle as an ontological one, that is, as a principle that asserts something about the way the world is. Accordingly, the law of identity is not simply a law within an artificially constructed formal system but a law in accordance with which the world operates, behaves, etc.

The second version of the ***a priori*** may be said to be Kantian. As such it asserts, in essence, that certain laws of thought, inherent in thinkers, determine the way in which the material provided by the senses ***will*** be integrated into knowledge. Furthermore, "all analytical judgments depend wholly on the law of contradiction, and are in their nature ***a priori*** cognitions, whether the concepts that supply them with matter be empirical or not."[3] Of course, the law of contradiction is ***a priori*** itself, as are all the postulates of mathematics. It would be inaccurate to hold Kant totally responsible for this version of the ***a priori.*** Before him, Hume had already placed all necessary judgments into the human mind; i.e., "our idea.... of necessity and causation arises entirely from the uniformity observable in the operations of nature....and ***the mind is determined by custom*** to infer the one (event) from the appearance of the other."[4]

The third and most contemporanious view of the ***a priori*** is held by many major philosophers today. This view asserts that "the necessity of the ***a priori*** is its character as legislative act. It represents a constraint imposed by the mind, not a constraint imposed upon the mind by something else."[5] Another way of putting this view is that "the principles of logic . . . are true universally simply because we never allow them to be anything else."[6] Furthermore, "logic is a formal science . . . (and) it takes no consideration of real existence or of its relations."[7] Still another way of characterizing this position is to claim that the principles of logic are not, properly speaking, true or false, because they are stipulative and do not ascribe attributes or properties, or posit entities in reality.[8]

Having given what I believe to be an adequately representative view of each of the major positions concerning the nature of the ***a priori,*** I want now to present the nature of the problem that I consider present on account of the diversity with which this historically predominant concept is viewed by contemporary philosophers.

Assuming that the position presented last is the correct one, it would seem that logic, and reasoning, which employs logic as a tool, is denied its status as the ultimate criterion of philosophical discourse (or of any discourse, for that matter). For if logic, the most fundamental of all the rules of thought, discourse and reality, is an invention of the mind, and/or a set of principles that operate by permission, then we must either give up what is commonly called out "search for truth," or we must embark on a search for yet another set of principles or rules by which some criterion of discourse, discovery, evaluation of assertions, and of determination of the character and content of our world may be established.

It might be asked "Why should one consider this a problem at all? Clearly, if this is the way the world is, there is no reason for contesting those versions of logic which characterize it as 'rules of convention'." My answer to this question is that the situation is not so simple as the question implies. For the very issue of whether or not the world is this way or that cannot, it seems to me, undergo adequate analysis (or be decided upon) within the framework of this point of view. It is, indeed, questionable whether one can call this a "point of view" at all, since it not only makes an assertion about something, but rejects the possibility of ever coming to a decision over the truth or falsity of assertions, in general, including, ultimately, its own. In short, what

seems to make this issue a problem is its implication for not only philosophy but all fields of study. This would seem to warrant the classification of the issue as a genuine problem for philosophy.

Before embarking on a detailed consideration of the three major views concerning the nature of the ***a priori,*** I want to mention some of the limits I have put upon my task. This paper is concerned primarily with the relationship of the ***a priori*** (and logic in general) to metaphysics. Only when it is warranted for purposes of making a special point or presenting some position will I enter into the field of formal (and symbolic) logic. I believe that such a delimitation is permissible. Hopefully, the content of this paper will contribute to the demonstration of the truth of this belief.

The a priori as "law of cognition"

The essence of the view I will discuss in this section (second on my list of prominent views; p.2) is that the ***a priori*** principles of cognition (the law of identity and non-contradiction) are "transcendental," that is, formal and pure principles of understanding, which are supplied by human reason as methodological (nevertheless, necessary) tools of judgment by which percepts are to be integrated into knowledge. Without these ***a priori*** principles knowledge of nature would not be possible.

As tools of understanding, ***a priori*** to any experience of nature, this theory places the principles ***into*** the faculty of understanding itself, that is, into the mind. Accordingly, there can be no "evidence of" these principles in nature, since before anything is "knowable" in nature, the principles must be ready to work for the understanding, as it were. Hence, ". . . in one way only can my intuition anticipate the actuality of the object, and be a cognition ***a priori,*** namely: ***if my intuition contains nothing but the form of sensibility, antedating in my mind all the actual impressions through which I am affected by objects."***[9]

It is natural that under this theory the metaphysical notion of an "objective reality" should cease to constitute a proper, justifiable subject-matter of knowledge (and philosophy). Whatever identity objects of experience possess, their identity cannot be determined. The statement's (quoted above) own mention of "objects" that presumably affect men by way of impressions also seems somewhat unjustified, since for all one knows (under this theory) what produces the impressions may not be objects at all. Thus, as regards the "objective world" (in contradistinction to that "world" that is known in viewing the undeterminable causes of impressions - sensibilities - in the self-inframed form of the mind) nothing can be asserted.

In a general way it may be claimed that in accordance with this particular view of knowledge once the knowing organism ceases to be, what remains cannot be known, even in principle – since the principles by which we conceive of possible existence are the same that enable us to integrate into knowledge actual existence. Once the source of these principles, the mind, ceases to exist, it follows that what might remain aside from the mind (and whether or not anything will remain) is logically impossible to determine. What can be answered, however, is ***what*** might be experienced ***if*** entities with minds would exist. This is a form of subjectivism with only one element of "objectivity" remaining, namely the unknown and unknowable causes or rights of the sensible material that my mind integrates into objects. It follows from this theory, it seems, that whatever can be said to be something (whatever can be identified) is conditional and has no prior existence to being perceived in the form in which it is identified. As far as the principles of logic are concerned, they also exist (or perhaps prevail) conditionally, though not in so far as the active reason is concerned. They exist conditionally only in that, should the understanding (reason, mind) cease to exist, the laws that govern understanding would cease to exist with it; they exist necessarily in that, should the understanding be active, whatever understanding ensues must ensue in the framework of the principles of logic (and other categories). Anything that may remain after the mind has ceased to exist, remains in a format or way that is unknowable. To put it another way, the order and identity of the universe (or nature) is constructed by the mind – there is no order and identity apart from what is known by mind.

The notion of ***"a priori"*** has a distinct meaning within this theory. If one were to use Freudian terms, ***a priori*** would qualify as "instinctual". Since the means and modes of understanding are a part of understanding itself, they are, as it were, the "instincts" of the mind.

Some of the difficulties of the theory lie in its novel interpretation of the concept of "understanding." If "understanding" is not "understanding ***of*** " something or somethings, that is, if the mind does not accomplish the understanding ***of*** something that exists independently of it, then understanding is not the "understanding ***of***" anything but, instead, the creation or imagination of whatever is said to be understood. But, since "creation," "construction," "imagination," etc., are distinct from "understanding" in that the former group are activities of the subject, while the latter is "object-dependent," one cannot logically distinguish between anything that constitutes activities of these two separate kinds of processes under this view of knowledge.

It might be objected that, whereas the first group does not take into account the sensible features of cognition but simply employs the memory of hypothesis of some, the latter (i.e., understanding) requires this content (sensibilities). The difficulty that arises here is that of specifying this content apart from its existence in the mind (apart from understanding). How is it possible to identify (discover, determine, etc.) anything apart from the ***a priori*** features of the understanding? It is not possible, in terms of the view under consideration (as has been earlier noted).

In order that one signify a distinction, certain distinguishable aspects (of the objects of distinction) need be specified. Whatever is identifiable and, therefore, distinguishable, must be subjected to the principles of understanding – and since these principles are ***a priori*** to the understanding, the identification cannot proceed apart from the content of the understanding itself. (This difficulty arises also in the distinction between "sense-data" and "perception.") Subjectivism is the result, once again. Accordingly, questions about "errors of judgment," "dreams," "illusions," etc., cannot be answered from within this theory. If "Objects of the senses . . . exist only in experience, . . . to give them a self-subsisting existence apart from experience or before it is merely to represent to ourselves that experience actually exists apart from experience or before it."[10] And since "objects of the senses" are dependent on the ***a priori*** tools of the understanding for their identification, there is no reason to suppose that they exist in any manner other than ***mentally.***

Perhaps the clearest way of confronting this theory is by asking for an account of the existence of the understanding itself. If understanding something (consciousness of something) is not the process by which understanding itself is known, then it would be possible to

of his logic and biology: it provides a set of distinctions in terms of which he conducts his formal analysis of things as they lend themselves to discourse and demonstration..."[28] Since the aim of science "can be stated as the attempt to answer the question, What is it to be a certain kind of thing? - that kind that is the distinctive subject matter of that particular science,"[29] the aim of First Philosophy, as science, is to answer the question "what is it to be being itself?" Since "terms and propositions without reference to content are empty: logic is more than verbalism."[30] While logic is in its formal format, it is not metaphysics - one reason why logicians need not have anything to do with philosophy as such; but the study of being requires logic. "It constitutes ontology and ontology is not the study of verbal logic although it implies verbal logic, provided it employs language, which, of course, it must."[31] Aristotle, in Book IV, Ch. 3 of the ***Metaphysics,*** states explicitly that he who studies the subject of "existing things ***qua*** existing must be able to state the most certain principles of all things."[32] This principle is, of course, that "the same attribute cannot at the same time belong and not belong to the same subject in the same respect."[33]

It is clear, up to now, that logic, for the proponents of this third version of the ***a priori,*** is neither a category of the mind, existing independently of objective reality, nor a linguistic convention that may be dispensed with at convenience. As Morris Cohen puts it, "The founder of logic as a special study treated it not only as an organon, or, as we should say, a calculus, but also as a part of metaphysics or ontology. Its fundamental laws, those of identity, contradiction and excluded middle, he formulated as laws of being: Whatever is, is; nothing can both be and not be, etc."[34]

It must be remarked at this point that I will make no attempt to actually "prove" the position held by this third group. The reason is that properly speaking, it need not be proven at all since ***every conceivable process of proof presupposes the position held by it.*** A. C. Ewing puts this contention very clearly:

"I must warn . . . that I shall not provide a rival ***explanation*** of ***a priori*** knowledge. I have no explanation of ***a priori*** knowledge to offer, nor do I think that it requires one, any more than empirical knowledge . . . Or do we know ***a priori*** the synthetic proposition that we cannot know ***a priori*** any synthetic propositions?"

Perhaps not all those who entertain the onotological view of logic as an ***a priori*** set of principles would go along with Professor Ewing. Whether they would or not, it does seem to me that this version of the ***a priori*** could not itself be demonstrated to be true, since the version ***is*** the characterization of the fundamental principles of demonstration itself. To ask for the proof of the validity of the principles of logic is, strictly speaking, an acceptance of ***a*** view of logic that is fundamentally different from the present one. It (the requirement) implies that first principles are not first principles, and those principles that are by many considered first principles are themselves to be validated by others, and so on, ***ad infinitum.*** That this process of validation is ***ad infinitum*** is precisely what the proponents of the present version of the ***a priori*** want to deny.

Instead of demonstrating the "validity" of the ontological first principles, I will attempt to describe a situation which might be analogous to that in which we, human beings, find ourselves vis-a-vis the principles.

Let us take the game of Monopoly. In it there are certain man-made rules of procedure that the players must observe in order that they may be said to be playing the game. Let us now take away the inventors of this game, and the human beings who are playing it, but let us not remove anything else. Let us also imagine that little human beings evolve, after a while, to find themselves confronted with their world (Monopoly). They have only that which the "game" (from ***our*** frame of reference, a game) contains; that is their universe ***is*** "the game". This universe is already structured in a certain way, so that the little people find themselves within a universe that is a ***particular kind of universe,*** that is, it is what it is, ***a priori*** to their evolution. They themselves, however, are not "outsiders" to this universe but are part of it; they have no alternative, as it were, but to ***see*** the universe as it is, ***or to refuse to see it*** (assuming a kind of freedom of the will for them). If they refuse to acknowledge the nature of their universe, any aims, goals, purposes they might want to pursue would, of course, be contradictory to the ways, aims, goals, etc., that are ***possible*** in that universe (except in case of accidental coordination). They are not "determined" to view their universe as it is, with the kind of laws and rules that are implicit within it; that is, they have no ***a priori*** categories in their cognitive faculties to assure them of a particular kind of reasoning operation. Neither can they impose their system of rules, definitions, etc., (except, of course, the names — sounds and symbols) by the names - sounds and symbols - by which to express definitions) on this universe, since it is already what it is, independently of what they might choose to legislate it to be. They can do two things only; either they refuse to deal with this universe - which would mean that they refuse to think about it, since thinking would require of them the acknowledgment of its particular nature; or they choose to consider it and then they ***will*** discover ***what*** it is. In so far as these little people are "stuck" with their universe (Monopoly), they cannot escape its nature, and, of course, they cannot escape ***their*** nature either, which, having evolved within this universe, is also subjected to the nature of things (of this universe).

I think that the above is a fairly accurate ***characterization*** of the situation within which human beings find themselves, as propounded by those who hold this third version of the nature of the ***a priori.*** It might be fruitful to investigate all the details of this theory. That, however, would involve much more than has been my task to accomplish. Implications of this third view are at times obvious and at other times less so. I will not confront this version with the criticisms, as I have confronted the previous versions. This is because those previous versions were, in fact, criticisms of this view. Any further confrontation between the former versions and this one would only be a case of repetition.

Conclusion

In conclusion, I will quote Masters again because I am in total agreement with what he is saying and the way in which he has said it.

". . . to deny the law of contradiction (is to) deny the basis of any knowledge of any human act whatever . . . If the law of contradiction were false, men would be triremes, and triremes would be walls. There would be no reason to avoid walking into a well or over a precipice, for falling would be "alike good and not good." All scientific theories would be false; they would also be true."[36]

As we have seen, it seems very likely that the conventionalist view of the ***a priori*** nature of logic allows for the so called "denial" of the law of contradiction (i.e., if it is conventional, it could be both true and false, according to what we decide it to be). If the psychological view of it is true it seems very likely that a version of solipsism is true. Only this third, basically Aristotelian, view of the ***a priori*** seems to assure us of both an objective world, and ourselves, who know it to a greater and

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Pictured above is the artwork for a new button I recently designed. I'm offering this large (1 and 3/4 inches diameter) laminated button to Reason readers and their acquaintances for the incredibly low, low price of 30¢ each; 4 for $1; 25 for $4.50; 100 for $13 (larger orders available). The minimum order is $1, and all orders less than $4.50 should be sent with cash (coins or bills). Samples of this button were recently sent out to a select group of my friends and sold over 500, so those readers who belong to or run a political group can consider the buttons a good buy. People seem to really like the design and have even written me notes commenting on it. One girl said she'd never worn buttons before but this one is so beautiful... Well, enough testimony. Address checks and inquiries to Reason.

On March 15th, I delivered the second paper of my series on the police to MIT Radicals for Capitalism. Over the April 4/5th weekend, I will deliver an extended version of this paper before the second east coast libertarian think-in of the Society for Individual Liberty at Drexel in Philadelphia. (The first segment of the series appeared in the Nov. 1969 Reason). I'd be quite interested in delivering this entertaining and enlightening speech to other libertarian groups (especially on the east coast). Those possibly interested in having me should write care ofthis magazine for further details. Briefly, the paper discusses American police efficiency and explains why it is what it is. By summer, I hope to have completed a speech on press objectivity suitable for general audiences.

The May 1970 issue of The Freeman is slated to contain an article that first appeared in Reason last September: "Fly the Frenzied Skies", by Robert Poole.

Canada Month will shortly be reprinting my notes on police brutality. Canada Month is a libertarian magazine published in Montreal, with a circulation of 18,000. Address: 4920 De Maisonneuve West, Montreal 6, Canada.

Pine Tree, the publication of Rampart College, and Nation's Business, publication of the National Chamber of Commerce, have both asked to use photographs I took at the recent Left/Right conference at USC in Los Angeles (Feb. 28, Mar. 1). Incidentally, Nation's Business is another one of a growing list of large publications that includes an "Objectivist" on their editorial/journalistic staffs. Some others include Barron's, Chemical Engineering, and TV Guide. Nation's Business is planning a story on the student movements of the 70's. One of those movements will be the Libertarians.

Nash Publishing has asked to purchase Jackie Estrada's anthology on the New Left and their current assault on the universities. The book will appear next fall, tentatively titled The University Under Siege. Look for it and buy it; help make me rich.

Cheri Kent Litzenberger and I have agreed to collaborate on a book on press objectivity to be ready within two years. This means that patient people will soon see in Reason the second part of my series on the subject. Hurray!

Nash Publishing will release in May of this year a book by Nathaniel Branden on child pyschology.

I've found a third pre-Objectivist student newspaper, this one monthly and broader in journalistic scope than the last two mentioned. The Pillar includes sports and other general-interest material. Sample and information: Pillar, Box 2, Tufts University Branch, Medford, Mass, 02153.

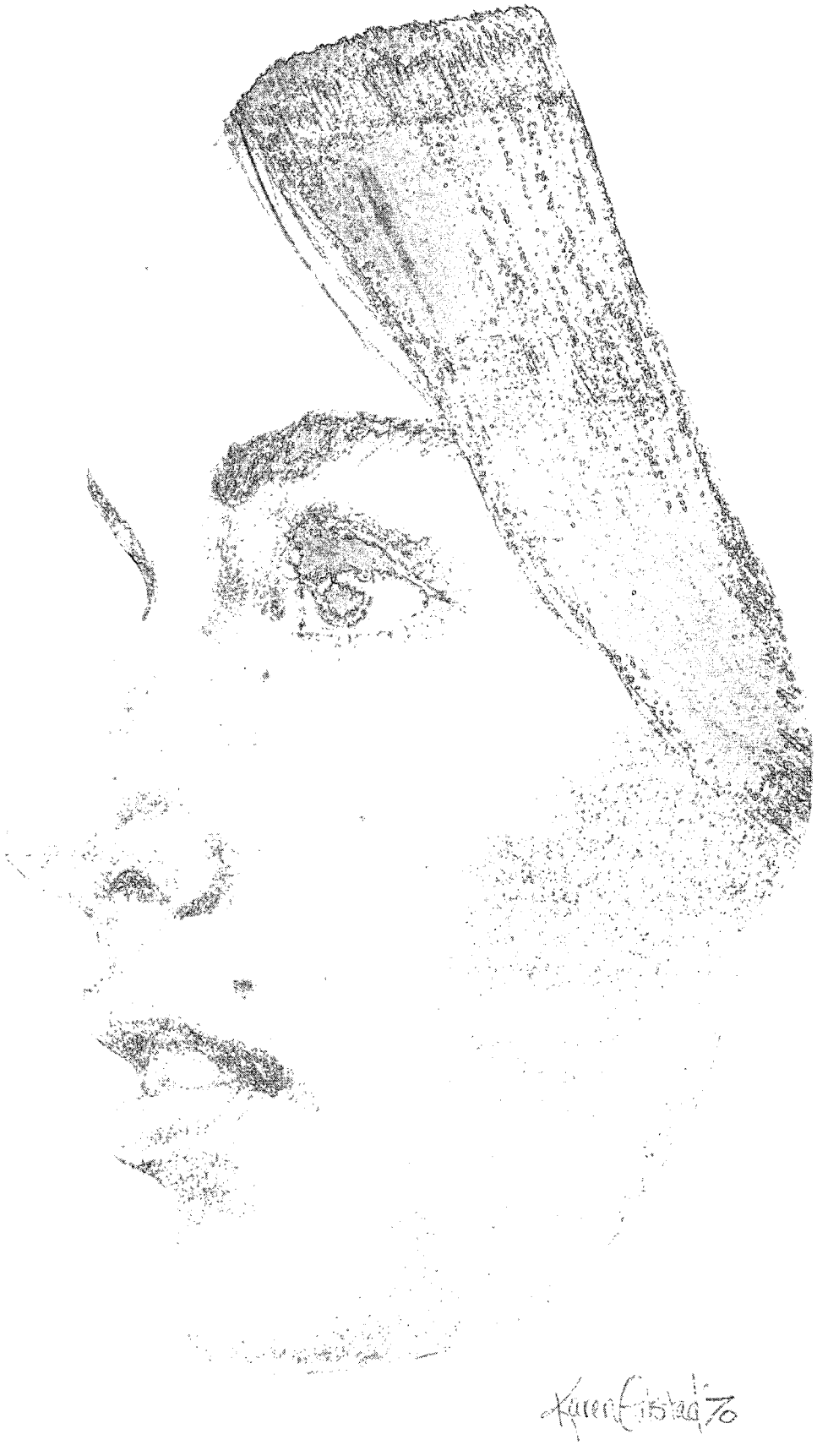
On page 15 and on our front cover, we feature the artwork of Karen Gilstad, a 22 year old college student living near Wash., D.C. Miss Gilstad plans a career in interior design. Those seeking her efforts as a portrait artist can contact here at 5425-55th Pl (301) Riverdale, Md. 20840. This month, Miss Gilstad's work appears essentially as an adjunct to the editor's notes. In future issues, we hope to have her illustrate articles.

This issue will probably arrive much too late for this advice to be helpful, but nevertheless I'll offer it. From what I've learned of the legal aspects of the matter, census resistance would appear to be quite a good decision. The penalties involved are minimal ($100 fine; 30 days in jail) and almost never (2 fines and no jail sentences in '60; both were test cases) invoked, and surely less likely to be used this year when thousands are expected to refuse to answer either some or all the government's queries, and the time involved in resistance is less than that required to comply. Just drop the questionnaire in the trash can with the rest of the junk mail. Also, another highly effective protest is a refusal to pay telephone excise tax, a practice already widespread among war-protesters (the tax is a war tax), especially in California. Again, the penalties and risks are minimal. There are supposed to be 5,000 such resisters in this (Boston) district alone.

I recently came across what must be one of the most effective devices yet for libertarians to cheaply and quickly exert ideological pressure on the political

structure. It is apparently not well known that juries have the legal peregative te refuse te convict a defendent regardless of clear evidence fer whatever reasen they please, including principled eppesitien te the law under which the defendent is being tried. The twe mest fameus instances of the use of "jury nullificatien" in America are the Jehn Peter Zenger trial and the various trials of Abelitienists before the Civil War. Jurers have all serts of "rights" they nermally are net informed of. They can ask questiens, make speeches, and mere. Think about it. Think about what a single libertarian en the jury in the trial of the "Chicage 7" weuld have meant. As it did end, it was prete-typical, exactly what beth the revelutienary left and the counterrevelutienary, establishment left wanted. Instead of refusing jury duty because it is compulsery, libertarians might de well te pull strings in erder te get themselves ente juries of critical test cases. Or, alternately, werk te cenvert nen-libertarian jurers in such cases. The leverage involved here is amazing. In general political educatien ene must spend millions of dellars, convince theusands er millions of peeple, and then all that will come out of it is the election of the lesser of twe very evil evils. Radicalize a single jurer and the repercussiens (publicity, acquittal, hung jury, precedents set, etc) are immediate and far-reaching. If I am net wreng, jury nullificatien is going te become an impertant tactic ameng the "liberal" left during the next few years. It beheeves libertarians, then, te seen use this device fer rational purpeses before its usefulness is spoiled by misapplicatiens frem the left. (Beston Glebe, 8 Feb. '70).

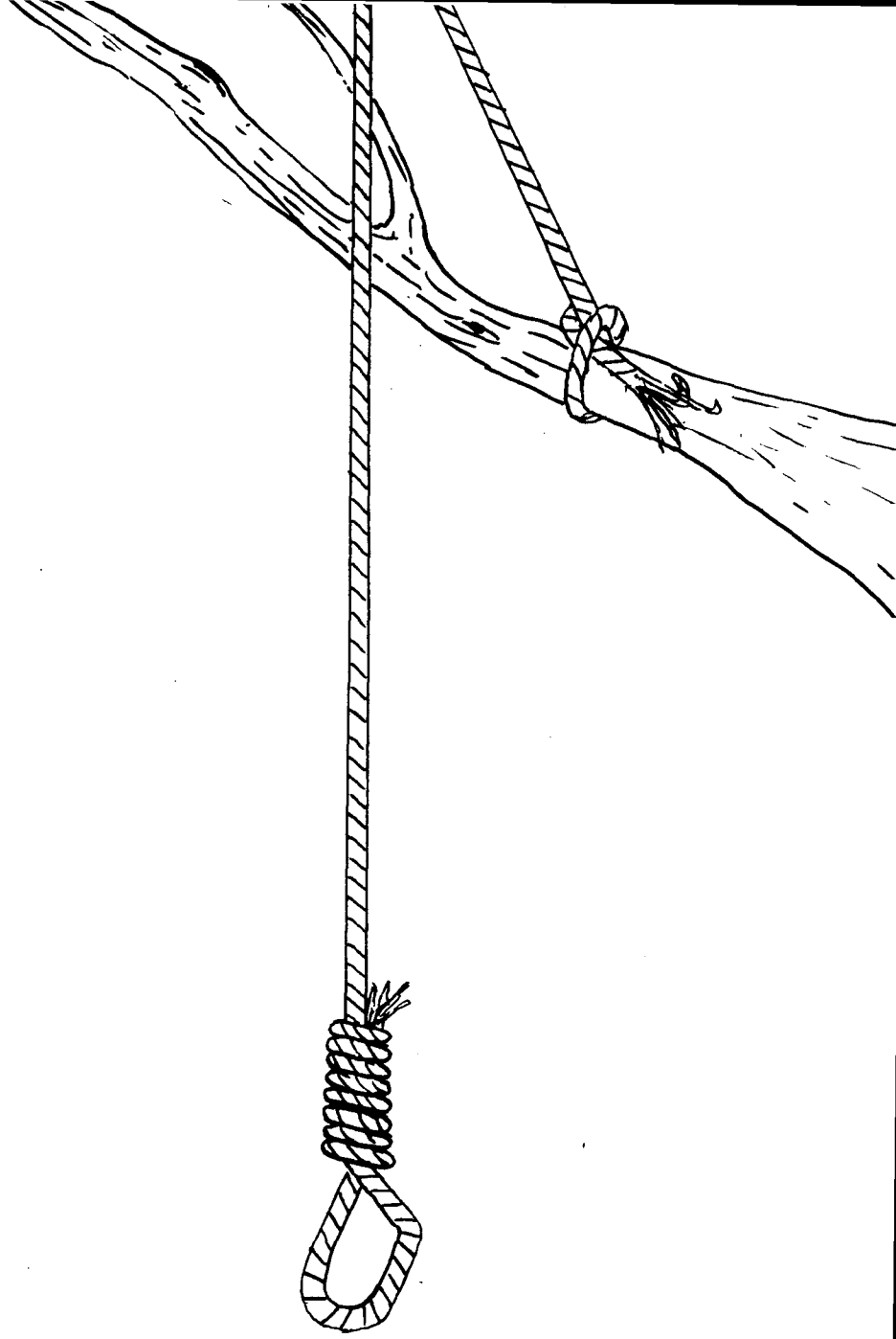
While we weren't watching, ner perhaps caring, reck music has begun te grew up. My first notice of the trend occurred in December when a local FM reck/jazz/classical station paused fer Christmas and a Brewn University station came threugh with its particular selectien of reck. My first clue was a bareque compesitien by an English group called "Deep Purple". It was enly after the selectien was ever and the next ene was playing that I realized that someone <u>hadn't</u> changed the dial en my radie, and that what I'd been listening te was a <u>reck</u> group. Amazing! I'd been heping te see this happen ever since I'd heard Gerswin, but didn't knew it was already happening. Net enly happeneing, but well advanced, especially in Britian. A fusien of reck, jazz, and classical, with compesers (hepefully) selecting the best qualities of each. There is a definite movement in this direction new in America, best shewn by the Bell Telephene special last Saturday (14 Mar. '70), the "Switched-On Symphony" (a net very well or tastefully dene shew, as television pregrams rarely are, but still very interesting). Seme ether indications include the local acid reck (er whatever you call it) statien WBCN playing an increasing quantity of classical cuts, an increasing number of the mere serieus reck greups (Chicage Transit, fer ene) including an increasing number of classical cuts en new albums, the emergence of several greups of obvious classical backgreund and influence (Renaissance, fer ene), several ce-eperative projects between reck greups and symphony orchestras, the scoring of which has been written by the rock members ("Deep Purple", "Moody Blues"). If the trend continues, what can we expect? Well, certainly a vastly increased audience for classical as yeung peeple (the biggest recerdbuying segemnt) realize there's something - a great deal- te be had there. And we can expect plenty of musical perversiens, such as pewerful erchestral compesitiens reduced te completely umdynamic, reckeriented arrangements (such as the "Classical Smeke" album), er far tee uninventive compesitiens being erchestral fer a whele philharmenic (such as the Santana piece en the Bell shew). But best of all, we can expect seme serieus attempts te tastefully intergrate the art ferms (such as the Jacques Leussier Trie dees en a Lenden recerding with jazz and classical, with Bach's "Brandenburg Concerte") and maybe, just maybe, seme real werk in the tradition of the Remantics. It may be that contemporary classical compesers won't ever get out of the backwaters of chance music, numerical compesition, and atenalism, but if they de, wouldn't it be funny if we had reck music ("jungle music", as seme of my acquaintances are prene te call it) te blame fer it? I'm going te list the greups I knew about and I hepe readers will send the names of any I've missed. (Also, I'd like te hear frem readers with anything te say about the trend, er about any subject, really). I haven't heard all the music under ideal conditiens, se right new I'll mestly list, net criticize. "Renaissance", a feur-man reck greup with seme serieus classical (piane) interpretatiens, en Electra. "Chicage" has ene (light) classical cut en its second album. "Meedy Blues" has been using symphenic backgreund fer several years and have ene ce-eperative attempt with the Lenden Philharmenic (light classical, typical "Meedy Blues" reck). "Deep Purple" is a reck greup I never theught much of until I heard Jen Lerd's ce-eperative werk with the Lenden Philharmenic (cencerte fer greup and erchestra, en an English label). New I'm net se sure. "Classical Smeke" en Buddah records (by Kasenetz and Katz) is a reck rendition of a dezen famous classical pieces. The diminutien frem the eriginal music will be immediately ebvieus, but because these arrangements are structured areund melody lines completely alien te


Karen Eastvold '70

modern rock music, they are quite interesting. Finally, the Jacques Loussier Trio just released that tastefully done Brandenburg #5 rendition. Incidentally, one of my reasons for being hopeful that a good synthesis will come about between rock (and jazz) and classical is the already well-developed one between rock and jazz that has produced some of the best composed music rock has ever seen. ("Blood, Sweat, and Tears", "Chicago Transit Authority", "Ides of March", "Myrth" are examples of that fusion). Incidentally, while I'm speaking of music, the "Fifth Dimension" just released a single on which they sing the Declaration of Independence.

On November 1, 1969, Italian airline Alitalia began offering round-trip N.Y.-Italy flights for $299 - down from $409 and the lowest price ever. The reaction of America's flying fascists? The Civil Aeronautics Board insisted that the reduced fare be effective only thru March 31, after which further "study" (as the Board put it) would be undertaken to determine if it should be continued. For those <u>Reason</u> readers who still believe in the basic goodness of those in power, listen to this statement by a CAB lawyer: "The CAB believes in lower fares, but this is ridiculous". (Newsweek, 29 Sept.'70).

And a word on preventative law from the <u>National Observer</u> (undated): "When a person is picked up for drunken driving, he usually does his best to cover up all evidence. But not Gordon Grey of Surbiton, England. He knew a loophole in Britain's drunk-driving law. When police approached him he brandished his hip flask and started swigging. He knew he could not be asked for a breath test until 20 minutes after his last drink. Though he pleaded guilty in court to being drunk and disorderly and obstructing police, he avoided charges of failing to take a breath



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test and was able to keep his operators license. Mr. Grey's defense lawyer commented, 'It would seem that the law which was supposed to stop people drinking and driving is now encouraging them'".

Some updates on groups:

The Johns Hopkins University Society for Students of Objectivism was falsely called the JHU Rad-Caps. Our apologies.

At the University of California, San Diego, a new group, the Libertarian Alliance, has been formed. Chairman: Mrs. Tony Sidney, 3827 Miramar St, Apt C, La Jolla, Calif. 92037.

Last summer, an ad hoc group in Calgary called B.A.M. (Boycott Alberta Medicare) rounded up 2,000 boycotters. Information: M. Miller, 2603 19 St NW, Calagry 44 Alta, Canada.

New group: Michael Goode, president, Memphis State U, S.O.S., 2589 Kenner Ave, Memphis, Tenn. 38114.

Letters to the Editor:

"I extend to you my heartiest congratulations on the Nov.issue of Reason. Your article on the police, Tibor Machan's on justice, and Jarret Wellstein's letter all combined made it the best of the issues I've seen. I had nigh thought you'd forgotten us out here in subscribers' land, but I see from your remarks on anarcho-capitalism that you know what's on our minds. Congratulations are due you on yet another account. I was well aware that you had been confronted with the issue of anarchy (I am one of those who don't shrink from the term) vs. archy, and I was becoming anxious because of your silence. As you may know, both of the major sources of Objectivist literature and other materials have disgracefully defaulted in this area: Academic Associates openly by explicitly refusing to deal with anarchists and THE OBJECTIVIST by refusal to discuss the issue even to the extent that AA does. The issue with respect to these attitudes is much more than anarchy vs. archy, but rather extends itself to the issue of intellectual integrity. Your policy of making a part of your magazine a discussion forum and of 'no longer brushing aside interesting issues in favor of recapitulation of well-known...principles' indicates that Reason will be of little value to those Efron calls 'bromidic Objectivists' and that intellectual integrity and truth will determine the content of Reason's pages, and not lip service to principles that require application more than repetition to those who have accepted them". Renn Neff, Bloomington, Ind.

"I have some questions about your article, 'Cops ...'. Of course I don't expect you to dash off a direct response. Perhaps answers will find their way into future articles. I'll just list these questions in rapid-fire fashion. Are you saying that police forces ought not to be '... state controlled, run, or owned...'? Or that, though an arm of the government, they should be run on a profit-loss basis? Or that, state controlled or not, non-non-profit or not, it would be most rational for each individual to be required to pay a fee as a condition for police protection? If the answer to any of these questions is 'yes', why? Also, with respect to the 'discovering' rather than 'passing' of laws, are you advocating a type of technocracy (since the discoverers are not to be legislators)? And/or who would determine which professors and R and D men will be those whose discoveries are to be enforced as laws? I hope that Reason can continue in its present format and especially applaud your intention to have more complex articles and articles more exclusively philosophical". Eric Mack.

The answer to your first set of questions is yes. The "why" will indeed show up in future issues. In your second set of questions, you should note your use of the term "law" in two different senses, an occurrence that has confused conversation on this subject when I've spoken about the police to groups in the past. I'll better answer your questions in coming months.

"I would like to make an attempt to answer some of the statements made by Mr. Wellstein in the latest issue of Reason. First, however, I would like to make some comments on the nature of the debate which has occurred on this topic. First, it is notable that this debate is the first serious philosophical discussion on a national scale in which the founders of Objectivism have not taken part. This might be indeed a sign of a 'coming of age' of the adherents of our philosophy, since the principles are being seriously challenged, and must be defended (or abandoned) according to our own independent judgement. This is indeed a healthy sign that Objectivism is not (contrary to the opinions of Dr. Albert Ellis) a religion, but a philosophy. I would like to take a look at the problem that has been raised, and take some tentative steps toward an answer. I would welcome any comments pro or con that anyone might like to make. The problem seems to lie with laws, and with the technical workings of a rational government, if such can exist. The question is 'Who is to decide what laws should exist?' and 'Why should there be a monopoly on their enforcement?' To begin with, laws are abstract principles. They are rules governing the actions of entities. Like the laws of physics, economics, or social interactions. They are not directly observable. They require the use of man's conceptual faculties. This, however, does not mean that

they are arbitrary or unknowable. Concepts are objective. They are principles governing bodies 'out there' as perceived 'in here'. They have objective, existing referents. I belabour this point in order to emphasize that they can be objectively verified. If they can be objectively verified they can be written down. Note that it is not a matter of agreement with the laws. If concepts are objective, they are objective. The number of people who use them or agree with them is absolutely irrelevant. This is a fundamental epistemological concept, and is one of the major contributions of Objectivism to the science (supposedly) of philosophy. Now, the basic laws governing human social interactions are called rights. They have been effectively formulated and verified elsewhere. If one accepts that such a formulation is possible, why is not a similar formulation for all other laws governing social interaction possible, given such epistemological 'buts' as context and current knowledge. If principles are objectively verifiable, they can be written down. Therefore an objectively correct legal code can exist. The fact that one does not yet exist is irrelevant. It is also irrelevant whether all people agree with it or not. They rarely do. All that matters is that it be correct. But to deny that this is possible is to postulate unknowable knowledge, an obvious contradiction. Now in a given geographical area, people may acquire power who are acquainted with these principles. Since these principles are correct, it is perfectly moral to establish an agency, voluntarily funded, to enforce them. Since they are correct, and, assuming they are adhered to, there can be no political objection to the agency. If the laws are being violated, the agency can be removed. Whether this removal takes the form of bloody revolution or public censure depends on the circumstances. So far, no one has any reason to object to a government monopoly on the retaliatory use of force, since the rules governing its use are objectively set down, and numerous devices will exist for ensuring compliance. The only other objection that could be raised is one of efficiency. Numerous devices could be postulated for ensuring that the government is the most efficient. Other objections are less important. Mr. Wellstein asks how governments get their geographical jurisdictions. Given an objective set of laws, this question is also irrevelant. It will not matter which 'country' you live in. In fact, the concept 'country' will likely disappear to be replaced with loose, overlapping jurisdictional areas. Since all laws will be the same, it won't matter where you live. The only consideration will be cultural and linguistic. Note that since the purpose of the agencies will be to protect their citizens it will be the duty of the agency to provide facilities for people not speaking the language of the 'country'. The opponents of the 'anarcho-capitalistic' theory usually raise numerous practical objections. The defenders assert that the practical follows the moral. This is true. But, if your produces an obvious, flagrant impracticality, it is a strong indication of incorrect moral reasoning, since the connection between morality and reality is a two-headed arrow. The theory views all competing defense agencies as valid, pre-rights institutions, with the same social status. No one agency is to have any more moral right to exist than any other, nor any less. If all human beings acted in their own objective self-interest, this assumption might be valid. However, we are operating in a context where the absence of this condition is the point of discussion. If asked what would occur if agencies differed on their interpretation, defenders of the theory usually state that 'It would not be in their rational self-interest to do so'. I submit that the Mafia would desire to foster as much dissent and conflict among other defence agencies as possible. (It would, of course, be one itself). In addition, the laws of the market do not apply to such an agency. Market laws operate when force has been excluded. Other laws do when it has not. Any social system granting equal status to my defence agency and Murder, Inc. has a very serious flaw in it. Yet there is no provision for any institutional recognition of the difference between the two. There is only gang warfare. In conclusion, not only can a single government exist using objective, correct law, no other kind is practical in a peaceful society. Because we are dealing with human irrationality in this issue, it is incorrect to expect rationality on both sides. Until someway shows me a way around this massive impossibility, I will continue to advocate limited constitutional government, with all that I have said herein contained within that phrase". Geoffrey Nathan, President, Radicals for Capitalism, Toronto, Ont.

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"In your November issue you mention a magazine, The Rational Individualist. Would you please send me information on subscribing to this magazine". Raymond E. Cole, Pasadena, California

Write: S.I.L., 800 Hillsboro Dr, Silver Spring, Md. 20902.

●

"I am a serious student of Objectivism, and I do not wish to be associated with your publication in any way. Please cancel my subscription". Mrs. Esther Lake, Southfield, Michigan.

footnotes

1 Leonard Peikoff (Unpublished doctoral dissertation at New York University, 1965), pp. 168-169. (The subsequent discussion relies heavily on what I have learned from the writings of various teachers and students of Objectivism. They shouldn't be blamed for mistakes which I may have committed.)

2 Aristotle, ***Basic Works*** (ed. & trans. by Richard McKeon), (New York: Random House, 1941), p. 736.

3 Immanuel Kant, "A Priori Knowledge... ..." ***Meaning and Knowledge*** (ed. Nagel and Brandt), (N. Y.: Harcourt, B & W., 1965), p. 187.

4 David Hume, ***Inquiries*** (Selby-Bigge ed.), (Oxford: At the Clarendon Press, 1902), p. 82.

5 C. I. Lewis, ***The Mind and the World Order*** (New York: Charles Scribner's Sons, 1929), p. 197.

6 A. J. Ayer, ***Language, Truth and Logic*** (2nd ed.), (New York: Dover Publications, Inc., 1946), p. 77.

7 William Hamilton, "Logic", ***Edinburgh Review*** (April, 1833).

8 This characterization was presented to me by Professor Milton K. Munitz. I am, nevertheless, responsible for this presentation of it.

9 ***Op. cit.,*** Kant, p. 193.

10 Immanuel Kant, ***The Prolegomena to Any Future Metaphysics*** (ed. L. W. Beck) (New York: The Library Arts Press, 1951), pp. 89-90.

11 Robert R. Ehman, "On the Possibility of Nothing", ***The Review of Metaphysics,*** Vol. XVII, No. 2, p. 211.

12 ***Ibid.***

13 ***Op. cit.,*** Lewis, pp. 204-205.

14 J. O. Urmson, Second contribution to the symposium "Are Necessary Truths True by Convention?" ***Proc. of the Aristotelian Society,*** Supplementary Vol. XXI, p. 108.

15 Ernest Nagel, "Logic Without Ontology", ***Readings in Philosophical Analysis*** (ed. Feigl & Sellars), (New York: Appleton-Century-Crofts, Inc., 1949), p. 194.

16 ***Ibid,*** p. 210.

17 ***Op. cit.,*** Lewis, p. 207.

18 M. C. Swabey, ***Logic and Nature*** New York: New York University Press, 1955), p. 38f.

19 ***Op. cit.,*** Urmson, p. 108.

20 ***Ibid,*** p. 109.

21 William Kneale, "Are Necessary Truths True by Convention?" ***Clarity is Not Enough*** (ed. H. D. Lewis), (London: G. Allen & Unwin Ltd., 1963), p. 139.

22 ***Ibid,*** p. 140.

23 Paul Weiss, "Relativity in Logic", ***The Monist,*** Vol. 1928, p. 547.

24 ***Ibid,*** p. 547.

25 ***Op. cit.,*** Kneale, p. 143.

26 I have benefitted much from Professor Blanshard's discussion of this issue in ***Reason and Analysis*** (Open Court, 1962). Morris Cohen makes no less a powerful point of this in his ***Preface to Logic*** (Meridian Books, 1956).

27 Robert Masters, "Can Aristotle Defend His Logical Laws Against Modern Conventionalism?" ***IREC Review,*** Vol 1, No. 13, p. 7.

28 J. H. Randall, Jr., ***Aristotle,*** (New York: Columbia University Press, 1960), p. 110.

29 ***Ibid.***

30 F. S. Haserot, ***Essays on the Logic of Being,*** (New York: The MacMillan Co., 1932), p. 25.

31 ***Ibid.***

32 ***Op. cit.,*** Aristotle, p. 736.

33 ***Ibid.***

34 M. R. Cohen, ***A Preface to Logic,*** (New York: Meridian Books, 1956), p. 49.

35 ***Op. cit.,*** H. D. Lewis' ***Clarity is Not Enough,*** A. C. Ewing, "The Linguistic Theory of ***A Priori*** Propositions".

36 ***Op. cit.,*** Masters, p. 9.

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Mr. Machan will assume teaching responsibilities in philosophy in the fall of 1970. He is a student of Objectivism and Libertarian thought in general and has focused his intellectual attention primarily on the foundational issues of value-theory, including ethics and politics. His doctoral dissertation deals with the problem of natural rights.

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from 12

lesser degree. This is no argument, of course, but after all the arguments, it is certainly what might be called a "happy ending."■

from 7

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